

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

THOMAS SAWYER, PRO SE,
TDCJ-CID #579557,

Plaintiff,

v.

JOE A. VARELA, CO III,

Defendant.

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2:04-CV-0144

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff THOMAS SAWYER, has previously sustained at least five “strikes”¹ under the Prison Litigation Reform Act (PLRA) and was sanctioned in the U.S. District Court for the Southern District of Texas². Plaintiff was reminded of these facts by the Memorandum Opinion and Order of Dismissal issued June 4, 2003 in cause no. 2:03-CV-0143.

Plaintiff then moved for and was granted leave to file and filed suit against twelve named defendants in cause no. 2:04-CV-0028, paying the \$150.00 filing fee. Upon review of plaintiff’s amended complaint therein, the Court severed plaintiff’s claims against defendant VARELA by Order issued June 14, 2004. Plaintiff was given twenty days in which to pay the filing fee for the instant cause. Over a year has elapsed since issuance of the Fee Order and the filing fee remains unpaid. No further pleadings have been received from plaintiff in this cause.

It appears plaintiff has failed to comply with the requirement that he pay the filing fee, has abandoned his claims asserted in this cause, and that such cause should, therefore, be

¹Cause nos. 4:94-CV-0996; 4:93-CV-3913; 98-40508 (an appeal of 2:90-CV-0176 prosecuted in the U.S. District Court for the Southern District of Texas, Houston Division); 98-20397 (an appeal of 4:97-CV-0562 prosecuted in the U.S. District Court for the Southern District of Texas, Houston Division); and 4:97-CV-3142.

²See, the August 22, 2000, Order to Strike issued by the U.S. District Court for the Southern District of Texas, Houston Division, in cause no. 4:97-CV-0562.

dismissed. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses inherent power to dismiss sua sponte for lack of prosecution).

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PAY THE FILING FEE AND FOR FAILURE TO PROSECUTE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 5th day of July, 2005.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE